

Honor, Courage, Commitment and Adultery?

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Honor, Courage, Commitment and Adultery?

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In 1996, Marine Corps Commandant Charles C. Krulak began a program to remind Marines of the basic foundation of the Marine Corps known as the Core Values Program. In a speech given to the 1999 Defense Advisory Committee on Women in the Services (DACOWITS), General Krulak said,

There is no room for so-called "situational" ethics in the profession of arms. That is why we have drawn a clear line between acceptable and unacceptable conduct. Politics on adultery and fraternization must be clear and consistently enforced. Double standards cannot be tolerated. Similarly, our policies must reflect the very highest ideals of our society. This is not extremist. Our countrymen expect our standards to be higher than the norm... because they entrust us with far more than the average citizen.¹

In ALMAR 439/96, General Krulak, re-emphasized the importance of returning to the Marine Corps' core tenets of honor, courage and commitment.² However, despite active steps taken by the Marine Corps to ensure the continued reliance on these values as guidelines for everyday operations, adultery continues to be an issue, as Marines commit adultery with civilians and other Marines alike. In a survey of the student population at Expeditionary Warfare School (EWS) in January 2005, 47 respondents replied to questions regarding their experience with

¹ General Charles C. Krulak, Draft Remarks for the 1999 Defense Advisory Committee on Women in the Services, 29 April 1999, <http://www.usmc.mil/cmcspeeches.nsf> > (9 January 2005).

² United States Marine Corps, ALMAR, subject: "Implementing Instructions for the Marine Corps Values Program," ALMAR Number 439/96, 16 December 1996, URL: <<http://www.usmc.mil/almars/almar2000.nsf/0/1ab38ef94397df3385256a55005e1398?OpenDocument>>, accessed 12 December 2004. Cited hereafter as ALMAR 439/96, 16 December 1996.

adultery in the military. Of these respondents, 62.5% reported dealing with perceived incidents of adultery during their military careers.³ Unfortunately, this problem continues and often is uninvestigated or not prosecuted for various reasons. In the survey of EWS students, 76.4% of the respondents who reported perceived cases of adultery within their units also responded that these cases were never investigated by the command.⁴ This goes directly against General Krulak's charge to the leaders of the Marine Corps.⁵ In order to stay in line with the Marine Corps' Core Values of honor, courage and commitment, Marine Corps leaders have a responsibility to more actively investigate and prosecute adultery cases within their commands.

Adultery Defined

The Manual for Court Martial (MCM) considers adultery as taking place when: (1) The accused wrongfully had sexual intercourse with a certain person; (2) at the time of the intercourse, the accused or the other person was married to someone else; and (3) under the circumstances, the conduct of the accused prejudiced the good order and discipline of the armed forces or brought discredit upon the armed forces.⁶ One of the difficulties with proving adultery lies in fact that it is

³ E-mail survey, "Adultery in the Marine Corps," conducted by the author, January-February 2005, question 6.

⁴ E-mail survey, question 7.

⁵ Krulak.

⁶ United States, (MCM 2000), *Manual for Courts-Martial*, (Washington, DC: United States, 2000), 373.

extremely difficult, if not impossible, to provide evidence that intercourse has occurred.⁷ It is often times very difficult for the leadership within a unit to prove that adultery has occurred and thus it is not pursued to an investigation.⁸

The Core Values

The core values for which the Marine Corps was founded are very clearly defined and often reiterated by past and current Commandants. The first of the core values is honor. The Leading Marines Manual, FMFM 1-0 defines honor as,

The quality that guides Marines to exemplify the ultimate in ethical and moral behavior; never to lie, cheat, or steal; to abide by an uncompromising code of integrity; to respect human dignity; to have respect and concern for each other. The quality of maturity, dedication, trust, and dependability that commits Marines to act responsibly; to be accountable for actions; to fulfill obligations; and to hold others accountable for their actions.⁹

In an anonymous interview conducted with an active duty Marine Corps officer who admittedly had an adulterous affair, the officer agreed that the act of adultery directly goes against the Marine Corps' definition of honor.¹⁰ Leaders within the Marine Corps have a need to know who within their unit has problems maintaining the unwavering honor required by service in

⁷ Rod Powers, "Adultery in the Military," *About US Military*, http://usmilitary.about.com/od/justicelawlegislation/a/adultery_2.htm (20 December 2004).

⁸ Powers.

⁹ U. S. Marine Corps, FMFM 1-0, *Leading Marines* (Washington, D. C.: Headquarters, U. S. Marine Corps, 1995) p. 101.

¹⁰ A source, an active duty Marine Corps company grade officer, who wishes to remain anonymous, interview by the author, 05 February 2005.

the Marine Corps. Voluntarily committing to a life of service means committing to a higher standard of conduct.¹¹ Marines who do not display honor at home will certainly have a more difficult time displaying honor abroad.

The second of the core values is courage. The Leading Marines Manual, FMFM, 1-0 defines courage as, "the mental, moral, and physical strength ingrained in Marines to carry them through the challenges of combat and the mastery of fear; to do what is right; to adhere to a higher standard of personal conduct."¹² While courage is often associated with actions on the battlefield, it may also be required to make sound judgments at the leadership levels. The anonymous source indicated his command knew of his adulterous affair, and consciously chose not to pursue any kind of punitive action. Additionally, the source stated that he himself would be able uphold the standards of the MCM, but admitted that it would be a hypocritical situation.¹³ It would take moral courage for a leader to pursue an adultery case to at least an investigation even if it is not a popular decision. Certainly Marine leaders would need to know who in

¹¹ Colonel Jack L. Rives, USAF, Commandant of the Air Force Judge Advocate General's School, and Susan G. Barnes, President of the Wandas Fund, "National Security Law in a Changing World: The Seventh Annual Review of the Field," 6-7 November 1997, URL: < <http://www.abanet.org/natsecurity/scolan-7.html> >, accessed 12 December 2004.

¹² U. S. Marine Corps, FMFM 1-0, *Leading Marines* (Washington, D. C.: Headquarters, U. S. Marine Corps, 1995) p. 101.

¹³ Anonymous source interview, 05 February 2005.

their units could not make courageous decisions in a time of crisis.

The final core value is commitment. The Leading Marines Manual, FMFM, 1-0 defines commitment as,

It leads to the highest order of discipline for unit and self; it is the ingredient that enables 24-hour-a-day dedication to Corps and Country; pride; concern for others; and an unrelenting determination to achieve a standard of excellence in every endeavor. Commitment is the value that establishes the Marine as the warrior and citizen others strive to emulate.¹⁴

It is this same commitment that others outside the Marine Corps "strive to emulate." Yet, commitment as a core value does not stop when a Marine leaves work, it must be carried home and incorporated into the personal life of the Marine, again, because service members are held to a higher standard.¹⁵

Undoubtedly these core values were not created in the Marine Corps to fight against the adultery occurring within its ranks. However, the act of adultery committed by a Marine displays a disregard for each and every one of these core values. "A single act of adultery violates the Marine Corps core values system that was designed to be a guideline for every Marine."¹⁶ If a Marine is unable or unwilling to display these values in his/her personal life, it should be questioned as to

¹⁴ U. S. Marine Corps, FMFM 1-0, *Leading Marines* (Washington, D. C.: Headquarters, U. S. Marine Corps, 1995) p. 102.

¹⁵ Rives.

¹⁶ Anonymous source interview, 05 February 2005.

that Marine's resolve in the workplace. "The Supreme Court of the United States, has recognized the military as a 'specialized society' and gives great deference to military judgment. This deference allows the military to conduct itself in a fashion that enables it to go out and win wars, and accomplish its objective."¹⁷ The core values are the means by which the Marine Corps does this.

Charging Someone with Adultery

In 2002, President George W. Bush signed into law a new set of standards by which small unit leaders should decide whether to charge someone within their unit with adultery.¹⁸ The premise behind this action was to empower the small unit leader and settle such issues at the lowest possible level of command.¹⁹ In 1998, a Congressional Commission on Military Training and Gender-Related Issues was held that included several high ranking military officers. At this hearing, former Assistant Secretary of Defense, Frederick Pang raised a series of questions while trying to determine exactly why there was so much discretion left up to a commander when deciding whether to charge an individual with adultery. In response to his questions, the military officials on the panel explained that

¹⁷ Rives.

¹⁸ Powers.

¹⁹ Powers.

there were a series of factors that should be considered by a commander before deciding whether or not to charge someone.²⁰

Colonel Reed, a senior Army official, responded to the question with:

...That discretion exists now and our effort was to maintain that discretion with the commander. We weren't trying to take the discretion away from the commander. We were trying to help a commander look at factors and considerations to help him exercise that discretion, if you will; give him things to think about.²¹

These "factors" that Colonel Reed was referring to are as follows:

1. The accused's marital status, military rank, grade, or position;
2. The co-actor's marital status, military rank, grade, and position, or relationship to the armed forces;
3. The military status of the accused's spouse or the spouse of co-actor, or their relationship to the armed forces;
4. The impact, if any, of the adulterous relationship on the ability of the accused, the co-actor, or the spouse of either to perform their duties in support of the armed forces;
5. The misuse, if any, of government time and resources to facilitate the commission of the conduct;
6. Whether the conduct persisted despite counseling or orders to desist; the flagrancy of the conduct, such as whether any notoriety ensued; and whether the adulterous act was accompanied by other violations of the UCMJ;
7. The negative impact of the conduct on the units or organizations of the accused, the co-actor or the spouse of either of them, such as a detrimental effect on unit or organization morale, teamwork, and efficiency;
8. Whether the accused or co-actor was legally separated; and

²⁰ U.S. Congress, House, Congressional Committee on Military Training and Gender Related Issues, Hearings, July 1999, 12 October 1998, 93. Cited hereafter as U.S. Congress, House.

²¹ U.S. Congress, House, 12 October 1998, 93.

9. Whether the adulterous misconduct involves an ongoing or recent relationship or is remote in time.²²

At this same hearing, Colonel Reed relayed to the panel that from 1993 to 1998, the Marine Corps had no adultery-only courts-martial cases.²³ This statistic might lead one to believe that adultery simply does not exist within the Marine Corps.

However, based on the survey conducted amongst the company grade officers at the Expeditionary Warfare School (EWS), this is simply not the case.²⁴ An overwhelming number of students surveyed reported that there were perceived cases of adultery never investigated by the command.²⁵ General Krulak left little room for consideration by individual commanders as to whether adultery is within the scope of how Marines should be living their lives.²⁶ As stated earlier, General Krulak made it clear that there is no room for "situational" ethics.²⁷

The Counter Argument

There exist those who believe that adultery should not be considered a punishable offense. In fact, adultery is not even mentioned in the Uniform Code of Military Justice (UCMJ).²⁸ It can only be found in the Manual for Courts Martial. The premise behind the argument of why there is no punishment in the UCMJ is

²² Powers.

²³ U.S. Congress, House, 12 October 1998, 101.

²⁴ E-mail survey, question 6.

²⁵ E-mail survey, question 7.

²⁶ Krulak.

²⁷ Krulak.

²⁸ U.S. Congress, House, 12 October 1998, 76.

that there is no measurable negative effect on the unit of the member who has committed adultery.²⁹ In fact, there are others who believe that the MCM should not be used as a method of enforcing a moral code and should only be used to ensure military readiness.³⁰ Some would have the issue of adultery changed from a criminal issue to that of an administrative one because they feel that it is more of a readiness issue than a moral issue.³¹ Lastly, there is also the belief amongst some people that the military shouldn't hold its personnel to a higher standard than that of the rest of the population.³²

Summary

Manuel Davenport, a professor of philosophy at Texas A&M University concluded that "those who engage in adultery must practice deceit and are, therefore, distracted from carrying out assigned duties."³³ General James L. Jones, 32nd Commandant of the Marine Corps, stated, "Trust is built upon mutual respect and confidence, enabling mission accomplishment under the difficult circumstances that are a part of the profession of

²⁹ Nancy Duff Campbell, "Military Affairs of the Heart: A Policy Review Must Address Multiple Issues," Orlando Sentinel, 22 June 1997.

³⁰ Campbell.

³¹ Rives.

³² Manuel Davenport, "Adultery Debated Issue in Military," *Aggie Daily*, <<http://www.tamu.edu/univrel/aggiedaily/news/stories/archive/030398-9.html>> (20 December 2004).

³³ Davenport.

arms.³⁴ Adultery in the Marine Corps is more than a readiness issue, it violates the fundamental core values that the Marine Corps was founded upon. If, as General Krulak has suggested, there "is a clear line between acceptable and unacceptable behavior" it is a problem that needs to be addressed by the leadership in the Marine Corps.³⁵ Adultery in the Marine Corps is not a problem that is going away because it is something that few want to talk about or even acknowledge. The fact is that many leaders within the Marine Corps allow this behavior to continue and even condone or encourage it at times. It is time that Marine Corps leaders step up and help the Commandant return the Marine Corps to the founding ethics and morals that have helped it survive and prosper for the past 229 years.

³⁴ United States Marine Corps, ALMAR, subject: "Commandant's Guidance," ALMAR Number 023/99, 02 July 1999, URL: <<http://www.marines.mil/almars/almar2000.nsf/0/cd8feb721a13763185256a55005e1719?OpenDocument>>, accessed 12 December 2004.

³⁵ Krulak.

BIBLIOGRAPHY

A source, an active duty Marine Corps company grade officer, who wishes to remain anonymous. Interview by the author, 05 February 2005.

Campbell, Nancy Duff. "Military Affairs of the Heart: A Policy Review Must Address Multiple Issues." *Orlando Sentinel*, 22 June 1997.

Davenport, Manuel. "Adultery Debated Issue in Military." *Aggie Daily*. <<http://www.tamu.edu/univrel/aggiedaily/news/stories/archive/030398-9.html>> (20 December 2004).

E-mail survey. "Adultery in the Marine Corps." conducted by the author, January-February 2005.

Krulak, General Charles C. Draft Remarks for the 1999 Defense Advisory Committee on Women in the Services. 29 April 1999, <http://www.usmc.mil/cmcspeeches.nsf> > (9 January 2005).

Powers, Rod. "Adultery in the Military." *About US Military*. http://usmilitary.about.com/od/justicelawlegislation/a/adultery_2.htm> (20 December 2004).

Rives, Colonel Jack L. USAF, Commandant of the Air Force Judge Advocate General's School, and Barnes, Susan G. President of the Wandas Fund, "National Security Law in a Changing World: The Seventh Annual Review of the Field." 6-7 November 1997. URL: <<http://www.abanet.org/natsecurity/scolan-7.html>>, accessed 12 December 2004.

United States. (MCM 2000), *Manual for Courts-Martial*. (Washington, DC: United States, 2000), 373.

United States Congress, House, Congressional Committee on Military Training and Gender Related Issues. Hearings, July 1999. 12 October 1998, 93.

United States Marine Corps. ALMAR. subject: "Implementing Instructions for the Marine Corps Values Program." ALMAR Number 439/96, 16 December 1996. URL: <<http://www.usmc.mil/almars/almar2000.nsf/0/1ab38ef94397df3385256a55005e1398?OpenDocument>>, accessed 12 December 2004.

United States Marine Corps. ALMAR. subject: "Commandant's Guidance." ALMAR Number 023/99, 02 July 1999. URL: <<http://www.marines.mil/almars/anmar2000.nsf/0/cd8feb721a13763185256a55005e1719?OpenDocument>>, accessed 12 December 2004.

United States Marine Corps. FMFM 1-0, *Leading Marines*. (Washington, D. C.: Headquarters, U. S. Marine Corps, 1995).

Works Consulted

A source, an active duty Marine Corps company grade officer, who wishes to remain anonymous. Interview by the author, 05 February 2005.

Campbell, Nancy Duff. "Military Affairs of the Heart: A Policy Review Must Address Multiple Issues." *Orlando Sentinel*, 22 June 1997.

Davenport, Manuel. "Adultery Debated Issue in Military." *Aggie Daily*. <<http://www.tamu.edu/univrel/aggiedaily/news/stories/archive/030398-9.html>> (20 December 2004).

E-mail survey. "Adultery in the Marine Corps." conducted by the author, January-February 2005.

Krulak, General Charles C. Draft Remarks for the 1999 Defense Advisory Committee on Women in the Services. 29 April 1999, <http://www.usmc.mil/cmcspeeches.nsf> > (9 January 2005).

Powers, Rod. "Adultery in the Military." *About US Military*. http://usmilitary.about.com/od/justicelawlegislation/a/adultery_2.htm> (20 December 2004).

Rives, Colonel Jack L. USAF, Commandant of the Air Force Judge Advocate General's School, and Barnes, Susan G. President of the Wandas Fund, "National Security Law in a Changing World: The Seventh Annual Review of the Field." 6-7 November 1997. URL: <<http://www.abanet.org/natsecurity/scolan-7.html>>, accessed 12 December 2004.

United States. (MCM 2000), *Manual for Courts-Martial*. (Washington, DC: United States, 2000), 373.

United States Congress, House, Congressional Committee on Military Training and Gender Related Issues. Hearings, July 1999. 12 October 1998, 93.

United States Marine Corps. ALMAR. subject: "Implementing Instructions for the Marine Corps Values Program." ALMAR Number 439/96, 16 December 1996. URL: <<http://www.usmc.mil/almars/almar2000.nsf/0/1ab38ef94397df3385256a55005e1398?OpenDocument>>, accessed 12 December 2004.

United States Marine Corps. ALMAR. subject: "Commandant's Guidance." ALMAR Number 023/99, 02 July 1999. URL: <<http://www.marines.mil/almars/anmar2000.nsf/0/cd8feb721a13763185256a55005e1719?OpenDocument>>, accessed 12 December 2004.

United States Marine Corps. FMFM 1-0, *Leading Marines*. (Washington, D. C.: Headquarters, U. S. Marine Corps, 1995).